

## **SECTION 15.05: SAFETY OVERVIEW**

**Last Updated: 11/03**

### **Introduction**

The commitment to a safe working environment and safe working behavior must be shared by all employees at all levels of the organization. Management has a special legal responsibility to ensure a safe working environment, and is in a position to reduce risks to workers by effective job planning, hazard identification, promotion of safe work practices, training, and awareness. The purpose of this chapter is to establish guidelines for the manager and supervisor to provide a basic background for effective safety management. These guidelines are intended to provide references to federal or state laws, provide emphasis on major requirements or highlight other important information. These guidelines should not be interpreted as all-inclusive, or as meeting all elements of established federal or state government standards.

It is important that each department assume responsibility to establish needed safety activities at every level of their organization. It is recommended that a safety “cooperative team” approach be taken whenever possible to achieve commitment, increase safety awareness and implement a safety program that benefits all employees. This approach facilitates the use of existing personnel, utilizing individual skills valuable to the safety effort.

As a general guideline, all effective health and safety programs have the following elements in common:

- Management commitment to provide the motivation for all employees to consider safety a priority.
- Employee participation assures that all members of the organization can be involved to provide input.
- Hazard anticipation, recognition, evaluation, and abatement plans to assure that the program is targeting potential safety issues in the specific environment. This should include materials inventory, internal inspections, and complaint investigation procedures.
- Written procedures to assure control and consistency.
- Employee education and training is essential.
- Data collection and review is necessary for program evaluation. The depth of this activity will depend on the complexity of the environment or operation. At a minimum, the OSHA Form 300, Log of Work-Related Injuries and Illnesses, should be reviewed on a periodic basis to target potential problem areas.

### **Resources**

Each facility, central office, or appropriate subdivision of each department should obtain copies of the Iowa Occupational Safety and Health (IOSH) standards. Iowa is a state that operates its own enforcement and consultation program, which essentially means that Iowa adopts the federal standards, which are then published under the IOSH title. These standards should be maintained for easy reference by managers, supervisors, and the work force in general. Additionally, a copy of “Safety and Health Program Guidelines for State of Iowa” is available in each Department.

Management must be familiar with the standards applicable to their operations. These standards are published by the Division of Labor in two volumes; the Occupational Safety and Health Standards for General Industry, and the OSHA Standards for the Construction Industry. Information is also available through the Internet at [www.osha.gov](http://www.osha.gov) or the Iowa Division of Labor.

**Department of Administrative Services – Human Resources Enterprise Safety Officer**

A Safety Officer, employed by the Iowa Department of Administrative Services, Human Resource Enterprise (DAS-HRE), is available to all departments in state government to provide consultative services on safety issues. The Safety Officer's objective is to assist departments in establishing effective safety and health programs that meet minimum regulatory requirements. The Safety Officer will provide statistical tracking of accident claims, promote awareness on pertinent safety issues and conduct general safety audits. The Safety Officer will not provide enforcement of established OSHA regulations/standards. The state regulatory body for the adoption and enforcement of safety standards is the Labor Division of the Iowa Workforce Development.

### **Other Resources**

The State of Iowa has the authority to establish safety and health regulations in addition to the federal standards. These regulations are found in the Iowa Code. The Department of Health, the Department of Natural Resources, the State Fire Marshal, and local emergency response officials can also provide assistance in their respective areas of expertise.

### **Legal Aspects**

The Occupational Safety and Health Act (OSHA) of 1970 requires that safe and healthful working conditions be provided for nearly every category of employee in the United States. Safety standards which set out these conditions are established and enforced by the U.S. Department of Labor.

The State of Iowa adopts all OSHA standards (except maritime) through IOSH. These standards apply to public and private sectors (in some states standards do not cover both private sector and public employees). The IOSH program is administered by the Division of Labor of the Iowa Workforce Development. Within the Division of Labor, there are two functions that are performed to ensure compliance with the standards. The first function is the Compliance Bureau which provides inspections to ensure compliance with the standards. If an employer is found to be in serious violation of an established standard, the Compliance Bureau staff may fine and/or issue a citation to the employer requesting immediate changes to bring the worksite into compliance (see types of violations). The Consultation and Education Bureau provides consultation to employers. This bureau takes a pro-active role in assisting employers in establishing a safe work environment. By law, these two entities are separate. In other words, the Consultation and Education Bureau will not notify the Compliance Bureau of an apparent employer violation unless that employer will not take steps to correct a noted hazard.

NIOSH is the National Institute of Safety and Health, whose function is to conduct research for OSHA.

### **OSHA Inspections**

Inspections will be conducted generally without advance notice by the Division of Labor. Some prior preparation should include:

- Implementation of a comprehensive safety program. This should include written program development as required, (see guideline section), training, awareness, and participation of the work force.
- Establishment of a procedure which allows appropriate pre-determined department authorities and personnel to be notified or participate in the inspection. (Union stewards or other employee representatives have a legal right to participate in such inspections.)
- Required OSHA records must be readily available. These include:
  - The OSHA Form 300.
  - Injury and illness reports.
  - IOSH poster.
  - Required written programs.

Review of these records will be required by the Compliance Officer early in the inspection and will likely determine the extent or focus of the inspection.

- Medical information regarding exposure to noise and/or chemicals may also be required.

Inspection will consist of three phases:

- I. Opening conference to establish purpose and methods (interviews, sampling, record review, etc.) to be used during inspection, and to review any complaints or standards at issue. Be sure to ask to see credentials.
- II. A walk-around or actual inspection will occur to establish compliance or noncompliance. Inspectors can interview employees to establish their awareness and training history, take photographs, or investigate visible or other sensory clues (odors, smoke, noise, etc.)
- III. A closing conference will consist of IOSH informing the employer and employee representatives about the inspection and copies of the data collected will be made available to both. Violated standards will be reviewed and discussion will include:
  - Apparent violations.
  - Abatement (correction) time frame.
  - Explanation of appeal and contest procedures and the posting requirements of any alleged citations.

It is a good practice to request an informal conference in writing with the Area Administrator of the Division of Labor. This can help to clarify the citations actually received. The citations will have been formalized after the closing conference with the compliance officer, and misinterpretations of what was observed can occur. The informal conference has the potential for reducing fines, or in some cases, elimination of a citation altogether. The informal conference opens discussion regarding how citations can be corrected.

### Types of Violations

- **Serious violations** occur where a “substantial probability that death or serious physical harm could result from the violation.”
- **Willful violations** are serious violations in which intentional disregard or neglect has been established. They may become Criminal Willful (to be determined in court) when death occurs as a result of a specific standards violation.
- **Other-than-serious violations**, once called deminimus violations, occur where deviations from requirements occurs, but the intent of the standard is fulfilled, with negligible effect on safety. No notice is issued, but the item is discussed and noted in case file. OSHA will not issue a citation for failure to abate.

Citations must be posted as instructed and may be contested within 15 days.

### General Concepts of Compliance

- Standards issued by OSHA provide a minimum level of performance that must be achieved, but methods of achievement are left to the employer. This allows for flexibility in meeting the requirements. Management must be familiar with the standards, train the work force, and provide written programs as required.
- The general duty clause is the all-encompassing concept placing responsibility on employers to provide a place of employment free from recognized hazards likely to cause serious accidents.

- OSHA inspections can occur as a result of complaints (particularly imminent danger situations), serious incident reports (from workers' compensation First Reports of Injury or other sources), or high hazard industry status.

Safety should be "built into the system" whenever possible. The supervisor should not wait for a specific time to conduct an inspection, review a procedure, or discuss a safety problem. Once the system is established, maintaining awareness and training will become a natural process. All required written programs must be made readily available to the work force at all times. It is recommended that they be maintained along with any of the procedures that must be followed by the work force. This will encourage compliance of all aspects of job performance by encouraging review of material between formal training sessions. Most written programs require an annual review or a review of procedures when operations or personnel change.